

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 694

Short Title: First Responders/Medical POAs Required. (Public)

Sponsors: Representatives McNeely, Faircloth, Miller, and McNeill (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 28, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THAT EMPLOYEES WHO MUST RESPOND FIRST TO  
3 EMERGENCIES MUST HAVE MEDICAL POWERS OF ATTORNEY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding  
6 a new section to read:

7 "**§ 95-28.5. First responder medical power of attorney required.**

8 (a) The following definitions apply in this section:

9 (1) Employing authority. – A State agency or a city, county, or other local  
10 political subdivision of this State.

11 (2) First responder. – A public employee who is a law enforcement officer, a  
12 firefighter, an emergency medical technician, or any other public employee  
13 whose primary job duty is to respond to an emergency. The term does not  
14 include volunteer firefighters.

15 (3) Private employee. – A person employed by a private employer.

16 (4) Private employer. – An employer who is not an employing authority as  
17 defined by this subsection.

18 (5) Public employee. – A person employed by an employing authority.

19 (b) Each employing authority that employs public employee first responders shall require  
20 that every first responder in its employment shall have a valid medical power of attorney to ensure  
21 that every first responder will receive prompt and appropriate medical care under any  
22 circumstances when the first responder becomes incapacitated or is otherwise unable to give  
23 medical consent for treatment. The employing authority shall:

24 (1) Require that each first responder execute or produce a true copy of a valid  
25 medical power of attorney.

26 (2) Maintain and provide access to a copy of the medical power of attorney in a  
27 manner that allows its use promptly and effectively if the first responder is  
28 incapacitated while responding to an emergency.

29 (3) Require that the first responder and the responder's supervisor review the  
30 medical power of attorney annually as part of the employing authority's  
31 employee performance review process.

32 (c) Each private employer in this State that employs private employee first responders  
33 shall require that every first responder in its employment shall have a valid medical power of  
34 attorney to ensure that every first responder will receive prompt and appropriate medical care



1 under any circumstances when the first responder becomes incapacitated or is otherwise unable  
2 to give medical consent for treatment."

3           **SECTION 2.** This act becomes effective January 1, 2022.